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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,585	09/18/2000	Volker Stahl	PHD 99-124	4107
24737	7590	11/22/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			STORM, DONALD L	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Advisory Action	Application No. 09/663,585	Applicant(s) STAHL ET AL.	
	Examiner Donald L. Storm	Art Unit 2654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☒ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.


Claim(s) objected to: NONE.

Claim(s) rejected: 1-6.

Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

 11/16/04

Continuation of 2. NOTE:

Additional search would be required because the new claim limitations and new combinations of claim limitations requiring at least (1) the letter speech recognition unit not using a letter grammar which denotes probabilities of the occurrence of different possible letter combinations (claim 1, claim 5); (2) tree paths that at the beginning of the search have a small probability are not searched (claim 3); (3) the letter speech recognition unit (claim 5); (4) restricting a vocabulary assigned to the word speech recognition (claim 5); and (5) restricting to the recognition results of the letter speech recognition (claim 5, claim 6) present new issues. Patentability in view of combinations of references already of record must also be reconsidered, and whether all independent and dependent claims now distinctly claim the invention in light of the new claim limitations. The issue of introducing new matter must be considered.

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant contends that support for amendment to the claims may be found in the application. This argument is not persuasive because it is directed to subject matter that has not been entered.

The Applicant contends that the cited reference does not describe the aspect of the proposed amendment to the claims. This argument is not persuasive because the subject matter of the proposed amendments to the claims would introduce combinations of claim elements that prior Office actions did not consider in view of the prior art references.

The Applicant contends that subject matter of the proposed amendments to the claims would not require comparison with the prior art or further review beyond a cursory review. This argument is not persuasive because the subject matter of the proposed amendments to the claims would introduce combinations of claim elements that prior Office actions did not address..

Continuation of 10. Other:

Because of the delay in processing the Applicant's response, a draft version of this Advisory action has been faxed to the fax contact information found in the Office correspondence address information on November 16, 2004.